

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated December 13, 2005. Applicant hereby requests a one month extension of time. Authorization to charge the extension fees to Deposit Account No. 50-0951 is filed herewith.

At the time of the Office Action, claims 2-8 were pending. In the Office Action, claims 4 and 5 were rejected under 35 U.S.C. §112, second paragraph. Claims 2, 3 and 8 were rejected under 35 U.S.C. §102(b). Claims 4-7 were rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

I. Rejections to the claims under 35 U.S.C. §112, second paragraph

Claims 4 and 5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 4 was asserted to recite method steps without additional structural or physical components to allow the gripping unit to operate as claimed. Applicant has duly amended the claims to overcome this rejection, withdrawal of which is respectfully requested.

II. Rejections to the claims based upon Art

Claims 2, 3 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. 6-271426-A to Kawada et al. ("Kawada"). Claims 4-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kawada in view of U.S. Patent No. 4,543,702 to Wada ("Wada").

As regards claim 2, applicant notes that the revolving annular plate of the first carousel moves the housings and the flexible molds contained therein through a precise sequence of zones, including:

- a first zone for heating the flexible molds by the introduction of warm air therein,
- a second zone for pouring molten cosmetic product into the flexible molds,

a third zone for cooling the flexible molds and the cosmetic products poured into them, the cooling zone operating by convection of cold air, and

a fourth zone for inserting empty cases into said flexible molds and around the cosmetic products contained therein and for the subsequent extraction of the cases with cosmetic products inserted therein, and transferring them to the housings of the second carousel.

Moreover, the second carousel includes a zone in which the empty cases are grasped for their transfer from the housings of the second carousel into the flexible molds and around the cosmetic products in the first carousel.

The first carousel 1 of Kawada provides for a different sequence of zones, according to which the empty cases are inserted into the flexible molds at the beginning of the sequence (zone 12) instead of after the heating, filling and cooling zones, as required by the present claims. Additionally, the empty cases are not taken from the second carousel and transferred to the first carousel. Instead, they are charged into the attachment part 5 of the first carousel 1 from a container assembly part 12 of the same first container.

The machine of the present invention as claimed in claim 2 is therefore different from the machine of Kawada and provides for a different sequence of operating zones and corresponding operating steps. Claim 2, and its dependent claims 3-8, are thus not anticipated by Kawada. Furthermore, neither Kawada nor Wada include teachings which would lead a person of skill in the art to modify the machine of Kawada in obvious ways to meet the structure and mode of operation of the present invention. Claims 2-8 are thus believed to be patentable over the cited references, and to be in condition for allowance.

IV. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks,

Appln. No. 10/600,289

Docket No. 1610-97

Amendment

Reply to Office Action dated December 13, 2005

Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Date: 4-3-06



Mark D. Passler

Registration No. 40,764

AKERMAN SENTERFITT

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000

Docket No. 1610-97